UNITY

FREEDOM, FELLOWSHIP AND CHARACTER IN RELIGION

In Memoriam
Sacco-Vanzetti—1927-1937

John Haynes Holmes

Alice Stone Blackwell

Robert Morss Lovett

Roger N. Baldwin

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The Field

"The world is my country, to do good is my Religion."

Annual Review of Civil Liberties

In its annual survey of the status of civil liberties in the country, just published, the American Civil Liberties Union cites in a balance sheet for the past year more developments favorable to civil liberties than against them.

Chief gain credited by the Union is approval of the National Labor Relations Act by the Supreme Court which puts "a new foundation under labor's rights," next in importance the Union lists the exposures of violence by employers made by the Senate Civil Liberties Committee. Among other advances listed are the Supreme Court decisions freeing Angelo Herndon, Negro Communist; upholding the Wisconsin labor injunction law and with it similar laws in fifteen states, and reversal of the conviction of Dirk de Jonge, Oregon Communist; the repeal of the "red-rider" in the District of Columbia; the decision of the New York Court of Appeals permitting medical agencies to import birth control material; the investigation of the violations of civil rights in Puerto Rico by a commission headed by Arthur Garfield Hays; and the repeal of criminal syndicalism laws in Washington and Oregon.

Among the unfavorable factors condemned in the Union's balance sheet are the "widespread and continuing violations of labor's rights," the decision by the Massachusetts Supreme Court upholding the expulsion of a school child for refusing on religious grounds to salute the flag; the veto by Governor Hurley of Massachusetts of a bill repealing the teachers' loyalty oath law; the police massacre of Puerto Rican Nationalists at Ponce; the refusal of the Yale Corporation to reappoint Professor Jerome Davis; the conviction at Wilkes-Barre, Pennsylvania of Emerson Jennings, printer, framed on dynamite charges; the banning of the film *Spain in Flames* by state and local censors; the murders by the Black Legion in Michigan, and interference with Communist and other minority parties during the presidential campaign.

The review, a 96-page pamphlet under the title *Let Freedom Ring*, briefly summarizes the year, lists the chief centers of repression, the machinery by which rights are denied, and then details the developments in each field of activity.

Copies of the report may be had free on application to the office of the Civil Liberties Union, 31 Union Square West, New York City.

(*Continued on Page* 228)

UNITY

"He Hath Made of One All Nations of Men"

Volume CXIX MONDAY, AUGUST 16, 1937 No. 12

TRIUMPHANT MARTYRDOM

"If it had not been for these thing, I might have live out my life talking at street corners to scorning men. I might have die, unmarked, unknown, a failure. Now we are not a failure. This is our career and our triumph. Never in our full life could we hope to do such work for tolerance, for joostice, for man's onderstanding of man as now we do by accident. Our words—our lives—our pains—nothing! The taking of our lives—lives of a good shoemaker and a poor fish-peddler—all! That last moment belongs to us—that agony is our triumph."

Vanzetti's Reported Statement after Receiving Sentence, April 9, 1927.*

THE PRESENT-DAY SACCO-VANZETTI CASE

The Sacco-Vanzetti case, as commemorated in this issue of UNITY, should do more than stir thought of the horror perpetrated yesterday. It should clarify vision and arouse a sense of outrage in regard to a parallel horror perpetrated today. For Sacco and Vanzetti have successors in our time. These successors are Mooney and Billings, who are now languishing in California prisons where they have already languished for more than twenty years. Convicted of a crime of which they were innocent, under the influence of war-mania, by a terrified and cruel public opinion, these two men suffered a fate identical with that of the Massachusetts martyrs, excepting only that they were spared the death penalty. So long as Mooney and Billings are held guilty and in jail, this nation cannot be relieved of the curse of Cain.

TOTALITARIANISM AND DEMOCRACY

Recent events have shown clearly the difference between the totalitarian and the democratic state. This difference lies in one fact—the opposition! In the totalitarian state, be it Fascist, Nazi, or Communist, there *is* no opposition. To be against the policies of the government is to be the enemy of the government. To persist in opposition, especially to organize opposition into a minority party, is to be guilty of treason which is punishable by death. This is the fact which lies behind the blood purges which have taken place at intervals in Rome and Berlin and Moscow. The victims of these purges have been guilty of nothing which is in any way criminal to us—hence the confusion and horror which these events have stirred within us! At the worst these men—Matteotti, von Schleicher, Kamenev—have opposed the one party which is the state, have had ideas of their own which have not agreed with those of the dictators, have tried to get possession of the government in the interest of these ideas, and thus have been guilty of the unpardonable sin. For opposition is not allowed under any circumstances under totalitarianism. But in a democracy, opposition is not only allowed but encouraged. There must be opposition if the democracy is to be healthy. In England "His Majesty's Opposition" is as important and beneficent a part of the nation's life as the Government itself. Hence is the Leader of the Opposition, like the Premier, a recognized and salaried official of the state. The same thing is happily true here in America. Something is wrong, and dangerous to the welfare of the country, when for any reason the opposition grows weak, or impotent, or even inactive. This is the reason why the last presidential election was one of the greatest catastrophies in our history. Not that Mr. Roosevelt was elected, but that opposition to Mr. Roosevelt was annihilated! Not that Mr. Roosevelt himself was a dictator, or desired to be a dictator, but that his supreme control of government placed him in a position unworkable and therefore intolerable if true democracy is to continue. In the absence of an opposition, there had to be created an opposition, if totalitarianism was not to displace democracy in this land. Happily this opposition appeared in the Democratic Party itself on the Supreme Court issue—and the peril was passed!

LABOR ON THE DEFENSIVE

Why, in heaven's name, should labor be suddenly thrown on the defensive in this country, as incredibly the administration is also on the defensive? The labor cause is one of the most just and therefore most appealing causes in the world. The C. I. O. found in the idea of the industrial as contrasted with the craft union the most progressive and effective type of trade unionism since the early days of Samuel Gompers. The turn of the depression into business revival offered a superb strategic opportunity for a vigorous advance all along the line of workers' organization. For the

**The Letters of Sacco and Vanzetti.* The Viking Press, New York.

first time in our history there was in Washington an administration not only sympathetic with but officially committed to labor. Special and highly favorable labor legislation had been enacted, and public opinion generally was with the employes in industry. What a chance! And now it's all been foozled, with labor everywhere on the defensive, even in the Roosevelt circle itself. Critics friendly to labor declare that stupid and arrogant employers are to blame, also the capitalistic press, the hireling Congressmen, the Liberty League. But not all these and many more reactionary interests combined could have accomplished this change, any more than all the conservative opinion in the country could have defeated the President on the Court issue. An accomplished Washington correspondent, friendly to the President, has explained the President's defeat in the Senate on the ground that, in his campaign for his Court bill, he "relied on force—force of the President's personality, force of the majority by which he was re-elected last November, force of his position as President, and force of the Democratic political machine." No persuasion, no campaign of education, no patient, persistent leadership, no statesmanship, but just plain, downright *force!* The same thing is true of Mr. Lewis. He undertook to smash things through, with the result, first, that he gave his antagonists the very excuse they were looking for to use the superior force which capitalists can always organize on their own behalf, and, secondly, that he completely alienated public opinion. The situation actually got so bad that such an atrocity as the massacre of striking workers by the Chicago police was regarded with indifference, and finally defended by a Chicago jury. It's a tragedy unspeakable. But labor's cause is too good to be destroyed, and labor's victory too certain to be more than delayed by the folly and arrogance of its own leaders. Happily there are signs that even Mr. Lewis has learned something.

ARMAMENTS AND PEACE

As we study the European situation these days, and see the tension getting tighter and tighter—as we ponder Prime Minister Chamberlain's appeal to Europe to do nothing to bring down upon the world the trembling avalanche of war—we keep thinking of the vast British rearmament program. That program was going to insure peace, wasn't it? The British Labor Party and even many English pacifists, to say nothing of the great body of English citizenry, were reconciled to this unprecedented arming of the nation on the ground that it was the only way of checking the madness of Germany and Italy, and thus preventing the catastrophe of another and perhaps final war. There was no use of arguing with Mussolini and Hitler, or pleading with them, or trying to coöperate with them. The League of Nations, the Locarno Pact, the Briand-Kellogg Treaty, all had collapsed. These Fascists and Nazis understood nothing but the mailed fist, the unsheathed sword. They must be taught that arms can be as weighty and terrible on one side as on the other. This will frighten them, and thus establish peace. So back went the Empire to a policy of armed preparedness. The work has been going on, now, for months. England is again beginning to shake her mighty mane. With the result that, just to the extent that England is able again to match ship with ship and bomb with bomb, the European situation gets more threatening. Steadily, as the arms multiply, the fears increase. As England, looking upon Germany's feverish arming, was convinced that Hitler was planning war to his own advantage, so Germany, now seeing England's feverish arming, is persuaded that England is planning war to *her* advantage. A year ago Great Britain argued that Italy would not listen to reason because the Empire had no arms to back her word. Now that she has, or will soon have, such arms, is Italy giving heed? Is not Italy in Spain identical with Italy in Ethiopia? British preparedness, so far from giving us peace, has only served to make war more certain. Once again we are taught the lesson, as though we had not been taught it a thousand times before, that competitive armaments are the swift and straight road to war.

THE OXFORD RELIGIOUS CONFERENCE

The World Conference on Church, Community, and State, meeting at Oxford, England, has done things to indicate that organized religion is anything but a spent force in the world. It has gone far also to refute the silly slander that organized religion is invariably traditional and reactionary in temper. Notable was the action of the Conference in calling for the militant intervention of the churches in the political and economic life of our times. Outspoken was its denunciation of war and nationalism, and its challenge to true brotherhood among the peoples of the world. But the crowning achievement of the Conference, so it seems to us, was the forthright declaration of the independence of the churches from the observance of any laws that restricted their functions of teaching and preaching. This declaration, as prepared by a committee of eminent Christian scholars and formally adopted by the World Conference, is so remarkable that we quote it here in full:

> We recognize the State as a historically given quality which in its own sphere is the highest authority, but which as it stands itself is under the authority of the judgment of God, and is bound by His will and has a God-given aim in its sphere to uphold law and order, to minister to the life of the people united within it, or of peoples or groups who are so united, and also to make its contribution to the common life of all peoples.
>
> At the same time we recognize that the State as a specific form and dominating expression of man's life in this world of sin, may, by its very power and its monopoly of means of coercion, become an instrument of evil. Since we believe in Holy God as the source of justice we do not consider the State as the ultimate source of law, but rather as its guarantor. It is not the Lord, but the servant

of justice. There can be for the Christian no ultimate authority but God.

Following this statement of principle, the Conference took pains to specify the various points of freedom which the churches could subordinate to no authority of government under any conditions of state rule. These points were listed as seven in number:

> First, freedom to determine its own faith and creed; second, freedom of worship, preaching and teaching; third, freedom to determine the nature of its own government and the qualifications of its ministers and members; fourth, freedom of control of the education of its ministers if it so desires, and to give religious instruction to its youth; fifth, freedom of Christian service and missionary service; sixth, freedom to coöperate with other churches; seventh, freedom to open to all citizens such facilities as will make possible the accomplishment of these ends.

The significance of this action is beyond all calculation. It definitely establishes the right of rebellion against governments which interfere, or attempt to interfere, with the spiritual liberty of the citizen. Let not Russia and Germany alone, but America as well, take notice!

Sacco-Vanzetti—1927-1937

JOHN HAYNES HOLMES

The vast excitement of the Sacco-Vanzetti episode has subsided. It was a storm which beat upon far shores of the world and wrought havoc in millions of stricken hearts, but the tumultous waves are now quite still. In the decade since the execution in Charlestown Prison, no new evidence in the case has been uncovered. The record stands substantially unchanged, and further inquiry and investigation, if we are correctly informed, has been ended. The Sacco-Vanzetti literature, carefully gathered here on my library shelves and still cherished in reverent memory, has had no recent addition. Some of these are great books, especially the *Letters* and Upton Sinclair's *Boston,* but their work seems to have been done and they will probably have no successors. There has been no flutter in the case for several years, with the exception of the dreadful invasion of the Harvard Tercentenary Celebration by a group of protestants more well-intentioned than wise, whose action for their own sakes is best forgotten. It is as though the waters of oblivion had flowed over some deep convulsion of nature, and buried everything in an eternal calm.

But he would be a superficial observer who inferred from these signs that Sacco and Vanzetti were forgotten and their case closed. There may never come any further developments in this sensational and tragic event. We may never find the evidence to prove these men innocent of the Braintree murder—as though it were suddenly necessary in American justice for the accused to prove their innocence! But one thing is clear, and that is that this case has already taken its place as one of the unforgettable facts in the history of this nation, and that Sacco and Vanzetti are securely numbered among the immortals. Posterity will never believe these men guilty, and will ever hold them, therefore, as martyrs. One thing is certain, and that is that in the memory of men, if not in the continuing course of events, the "good shoemaker" and the "poor fish-peddler" still live, and will ever live. More nearly than any other characters in the American drama, Sacco and Vanzetti stand side by side with John Brown, whose "soul goes marching on."

If anything still remains to happen in this tremendous story of justice defeated and vengeance done, it is the formal rehabilitation of Sacco and Vanzetti in the official annals of mankind. In the deeper and truer sense of the word, such rehabilitation is of course unnecessary. To those who know the facts, and to posterity which will understand without knowledge of the facts, these two humble and heroic men must ever stand for what they are in the august dignity of their manhood and the awful beauty of their dread dealings with destiny. As they never fell in guilt and condemnation before the tribunal of men's conscience, so they need no restoration before that tribunal to innocence and acclaim. No action of state or church, of law or custom, could raise them higher than where they now stand. Yet is it proper that the stain set upon these noble names should be removed. Though it mean nothing to Sacco and Vanzetti, long hidden in their graves, it may mean much to Massachusetts, and to the United States, and to humanity at large, that a sin, grievously committted, should be confessed that it may be forgiven. The record in this case should at least be closed with a proclamation that a crime more terrible than anything charged against these men was vented upon them, and that the verdict of "guilty" is expunged that the verdict of "innocent" may be written in its place.

There is precedent for such action in the famous case of Joan of Arc. No prisoner was ever more completely condemned or more horribly punished than the Maid before the court at Rouen, which was more a tribunal of God than of men. The judgment of heaven as well as of earth kindled the flame that consumed Joan's shrinking body, and when her ashes were scattered, it seemed as though her life were done. "Her heart would not burn," says the Executioner, in Shaw's great play, *St. Joan,* "but everything that was left is at the bottom of the river. You have heard the last

of her." But Warwick replies, "The last of her? Hm! I wonder!"

The suspicion of the Earl was nearer the truth than the surety of the Executioner. In spite of all the royal authority of the state and the divine power of the church, Joan could not be driven from the minds of men. Her flesh had been destroyed, but her soul survived. She shamed the memory and tortured the conscience of the race. In the glory of her martyrdom she burned men's spirits more terribly than other men had burned her body. She had been killed, and yet she would not die. And so, twenty-five years after the execution, another tribunal was convened, the evidence heard anew, and Joan at long last freed. She stood forth as spotless upon the legal record as in her own sweet and valiant heart. This action was too late to save Joan upon this earth, but not too late to save the church. If the tale of the Maid of Orleans was written in the beginning to the ignominy of Rome, it was written in the end to Rome's eternal glory, and crowned centuries later still when Joan was beatified among the saints of God.

What happened with Joan must now happen with Sacco and Vanzetti. And it should not wait twenty-five years for justice thus to be retrieved. Ten are enough! After the exalted example of the Church of Rome, let the Commonwealth of Massachusetts convene a court, and hear this case anew. The defendants can no longer appear before the bar, as they would have done had they been granted in their lifetimes the new trial asked and asked again. But neither did the Maid appear in her rehearing before the law. But the record was read, the evidence rehearsed, the case from start to finish reviewed—and all this can be done for these later martyrs. We do not ourselves know what procedure, if any, is provided under the law for the reopening and retrying of a case of this kind. If there is no provision, there is always action that may be taken under the Constitution through new legislation to open up the way. What the church can do, the state also can find a way to do! But these are details for experts. What interests us is that Massachusetts should clear herself of fault by lifting from the sacred memory of two heroic men the burden of crime unproved.

Perhaps, in some happier time, if this is done or not done, some justice-loving citizens will rear on Boston Common a monument to Sacco and Vanzetti in penitence for sin. The great expiation monument reared in Geneva to the memory of Servetus will, of course, be the model. And there might be inscribed upon it the words of Job:

"I abhor myself, and repent in dust and ashes."

In Memoriam Us, You Who Live

(To Sacco and Vanzetti)

The nut is cracked whence the tree has grown.
The glorious sweep of its gracious boughs!
The egg is cracked whence the bird has flown.
The clean-cut flight over trees and mows!
The bird is shot but the song is known
Through the thousand hearts the notes arouse!

They turned the switch. They plugged the "juice."
You only rose to wider use.
The serpent lightning struck and shocked.
But truth is free, the soul unlocked.
Each pulse was stilled. Each heart was split.
What vital essence flowed from it!
What flames it nourished you had lit!

The lightning etches across the sky
In letters that even the blind must spy
Your words that you, grown mountain-high,
Once grieved to know in the gutter lie
Or in ears of those who would sneer or sigh.

The flames you feed but began in that jail
Where your bodies slumped where the lightnings flail.
They are warming the spirits that shall not fail
Beyond death-chair strap and crucifix nail
To end corruption's forgery tale
And lead the world from tyranny's pale.

Not murder only but birth was there.
How can soul be strapped into any chair?
But bureaucrat and millionaire,
Are they becoming at last aware
They may master bodies and have to spare
But it's SOULS rebel, defy and dare?

You walk in a thousand picket lines.
You're the C. I. O. in mills and mines.
You are heard wherever the heart defines
The laws that justice with mercy twines.
It's your hands that write whoever signs
The bold decrees to straighten the spines
Which too long have stooped where labor pines.

Oh, never again will your wills be unheard.
You are the future the past has stirred
. . . And we fancy YOU dead who make death absurd!

RALPH CHEYNEY

Sacco-Vanzetti—The Dreyfus Case of Massachusetts

ALICE STONE BLACKWELL

The Sacco-Vanzetti affair was the Dreyfus case of Massachusetts. It was even more tragic; for Dreyfus, after years of torture, lived to be vindicated and reinstated, while the two innocent Italians were judicially murdered. Their execution remains a blot upon the fair name of Massachusetts—a blot that will show blacker and blacker as time goes on.

Sacco and Vanzetti had both been in this country for years and neither had ever been accused of any crime. Sacco was a skilled shoemaker, earning high wages. He was also an enthusiastic gardener. In the early morning, and in the evening till it grew too dark to see, he worked in the garden; and he gave away the surplus fruits and vegetables to the poor. Vanzetti had followed several occupations, but at this time he was a fish-peddler.

On April 15, 1920, a murder was committed in South Braintree, Massachusetts, by a gang of desperadoes. Sacco and Vanzetti were accused of being two of them. It was a shocking crime, and the police were anxious to convict somebody. Also, Attorney General Palmer had started his anti-Red raids, and feeling was running high against foreigners. On December 24, 1919, there had been an attempted hold-up in Bridgewater, Massachusetts. After Vanzetti had been arrested and charged with murder, an attempt was made to connect him with the hold-up. He had an ample alibi. Many respectable Italians swore that they had bought fish from him in Plymouth at about the time when the hold-up took place in Bridgewater, miles away. A boy who had been his assistant also testified to his having been in Plymouth at that time. The jury swept all this testimony aside as worthless. They assumed that all Italians would lie; and they regarded the fact that most of them said they had bought eels of him as a clumsy conspiracy—not knowing that Italians eat eels on Christmas Eve as Americans eat turkey at Thanksgiving. So they found Vanzetti guilty; and the fact that he had "a criminal record" told heavily against him and Sacco in the succeeding trial for murder.

It was a time of anti-Red hysteria, and Judge Webster Thayer, who presided at both trials, was one of the extreme examples. His hatred of the defendants was evident throughout. They were foreigners; they were anarchists; they had been "agitators." Though the evidence against them was of the flimsiest, they were found guilty and sentenced to death. Space does not permit a detailed account of the case. Its many unfair features enlisted the sympathy of a large number of Americans of the better sort. Seven appeals were taken, but in vain. Under Massachusetts law, the appeals could be brought only before Judge Thayer, who had presided at the trial. When an appeal was brought on the ground that he had been prejudiced against the defendants, he, of course, decided that he had not; and so on.

W. G. Thompson, a distinguished lawyer, who did not at all share the anarchist philosophy of the prisoners, had been so revolted by the unfairness that he had taken charge of the defense, for the love of justice. A mass of new evidence in favor of the prisoners was unearthed, and an appeal for a new trial was made on the strength of it. Judge Thayer held that the evidence was not sufficient to warrant a new trial. Executive clemency was withheld; and after seven years in prison, Sacco and Vanzetti were sent to the electric chair. Both men died calmly and bravely, declaring their innocence to the last. An atmosphere of anti-Red hysteria was kept up to the end. On the night of their execution, the city was heavily guarded, as if against an impending insurrection. On the following day, in a driving storm of wind and rain, 50,000 persons started to follow the hearse, containing the bodies of the two Italians, the eight miles to the Forest Hills crematory. They called it "The March of Sorrow." The Boston police used every effort to break up the peaceful procession. Repeatedly they closed the street by placing trucks across it; but the marchers made a detour and went on. Traffic was diverted into the procession. Again and again the mounted police rode the mourners down and clubbed them. By every device of violence and brutality, they reduced the 50,000 who had started to a few hundred; and when these reached the cemetery, they found the gates guarded by police who refused them entrance. They stood bareheaded and silent, in the pouring rain, during the services in the crematory chapel.

The case had aroused much interest abroad. Some things are seen more clearly in perspective than close at hand. Appeals in behalf of Sacco and Vanzetti had poured in from all over the world. After their death, a committee of distinguished men from many nations sponsored the publication of extracts from the letters written during their years in prison to their American friends, and by Sacco to his wife and children, as proof that the writers were incapable of the atrocious crime charged against them. (*The Letters of Sacco and Vanzetti,* The Viking Press, New York.) Those of us who learned to know them during those seven years came to esteem them as unselfish, lovable, and heroic personalities.

If Sacco and Vanzetti could speak to us today, they would urge us not to spend time in lamenting over them, but to work to prevent similar miscarriages of justice in the future. Anti-Red hysteria still exists. It is skilfully cultivated; and it blazes up here and there in some local act of injustice and cruelty. The mean and ungenerous ill-will against foreigners is also widespread. Constant efforts are made to secure new legislation, state and federal, that can be used for purposes of oppression. Let the blood of these martyrs go to strengthen the cause of justice and freedom.

In the Ever Unfinished Cathedral of Man

(To Sacco and Vanzetti, Murdered August 22, 1927)

We bow before the shrine your courage built,
Simple and stark and unadorned with gilt.
Stark as your lives and beautiful it stands.
Humbled and reverent, we raise our hands
To place the flowers of love that never fade.
Here we commune with you and, unafraid,
May we dare to *live* for what you gave your lives!
Though flames be quenched, your faith in man survives.

LUCIA TRENT.

Sacco-Vanzetti—After Ten Years

ROBERT MORSS LOVETT

Ten years ago Sacco and Vanzetti were electrocuted by the State of Massachusetts for a crime which it is now assured they did not commit. The publication of the entire record of the case in several volumes, submitted to lawyers and professors of jurisprudence throughout the world, has convinced educated opinion of the innocence of these victims. In addition, the enterprise of the *Outlook* brought to light the true story of the Bridgewater hold-up, for which Vanzetti was falsely convicted before being brought to trial with Sacco for the Braintree murder. A corresponding effort to obtain the truth of the latter affair from the real perpetrators was initiated, and a considerable sum subscribed to meet the expense of the investigation, before the attempt was halted by the onset of the depression. Apart from these developments, however, the sober second thought of mankind, in view of all the known circumstances of the case, has all but unanimously convicted the Commonwealth of Massachusetts of the crime of shedding innocent blood.

The history of the crime began outside that state. In the summer of 1920 a radical named Salsedo was arrested by the Federal Department of Justice, then directed by the infamous A. Mitchell Palmer, held illegally in an office building in New York, and either thrown, or tortured into throwing himself, from a window, fourteen stories above the street. Sacco and Vanzetti, who belonged to the same anarchist group, were engaged in agitation in behalf of their comrade, and were shadowed by federal agents. It was suspected that the reports of these agents, covering the period in which the Braintree crime was committed, might show the whereabouts of Sacco and Vanzetti at this time, but the Department of Justice refused to release these documents. All that could be obtained was a statement from individual operators that they never believed the victims guilty of the crime of which they were accused.

This Salsedo murder was one of a series of accidents which involved two innocent men with the nemesis of a Greek tragedy. Another was the appointment of Webster Thayer to the Massachusetts Superior Court. Governor McCall was a graduate of Dartmouth College. It was represented to him that Harvard had almost a monopoly of judges in the state courts of Massachusetts and that Dartmouth should be given a show. Accordingly he appointed the professional alumnus, a grotesque figure seen at all the rallies and college sports. It will be remembered that it was on the football field that Webster Thayer accosted Professor Richardson with the judicial remark: "Did you see what I did to those anarchist bastards?" Thayer was a publicity hound. Having obtained assignment to the second case against Vanzetti he refused to relinquish it, and continued to pass upon motions involving his own prejudice for seven years, cherishing the recurring opportunities for front page fame. It was the spectacle of Thayer's signs and grimaces to the jury, while he read his technically correct charge, that led William G. Thompson, former president of the Suffolk Bar, to undertake the defense of Sacco and Vanzetti. When the Chief Justice of the Superior Court appeared before the Lowell Commission to give his confidential opinion of his colleague, Mr. Thompson remarked that he hoped the witness would put on the little act with which he was wont to entertain the St. Botolph Club in an imitation of Thayer's pompous imbecility.

It is impossible to enumerate the accidents of the two trials which bore so heavily against the accused. Vanzetti's attorney at his first trial made a weak defense, which he was apparently obliged to explain by declaring his belief in the guilt of his client. The ballistic expert's testimony against Sacco was garbled to the defendant's disadvantage. The state did not disclose the whereabouts of one witness who stood so near the assassin that his coat was burned, and who testified later that it was not Sacco. The whole case was brought piece-meal to Judge Thayer, as new evidence was discovered, and never presented as a whole until it came before the Lowell Commission.

Another accident, and a tragic one, was Governor Fuller. He was a man of large ambition, of little education, and almost no common sense. As a member of Congress he sought to capitalize the hysteria of the war by urging the expulsion of Victor Berger, assuming his guilt of treason, although the case against him was still pending, and denying him "the protection of the law which he flouts" (sic). Similarly he sought to use the violent prejudice against Sacco and Vanzetti among the best people, of whom Fuller was not, to forward his ambitions. Coolidge had captured the Vice-Presidency by gaining undeserved credit for handling the Boston police strike. It was an example and a temptation. At the time of the agony of Sacco and Vanzetti it seemed too monstrous to imagine that Fuller was ready to let two innocent men die that he might play the part of Throttlebottom on the national stage. A year later, however, Fuller obtained the pledge of the Massachusetts delegation to present his name to the Republican Convention at Kansas City. When Senator Borah recoiled in horror at the suggestion, and declared that he would fight it on the floor, and that the Republican Party did not intend to drag the Sacco-Vanzetti case through the campaign, the delegation sought Fuller's permission to switch their vote to ex-Governor Cox. Fuller refused. He has his deserts in ignominious obsolescence.

The final accident was the Commission to which Governor Fuller transferred his executive responsibility for life and death—a responsibility which the behavior of Judge Thayer's court had rendered acute. To this Commission he appointed Robert Grant, a retired probate judge and author of several conventional novels of cold roast Boston. Judge Grant might have stood as model for the Late George Apley. In his autobiography he tells us that he always said his prayers night and morning on his knees, that he never had a cocktail shaken in his house until his sons were twenty-one, and that after his appointment to the ermine he never played poker except on Sunday. A man of these conspicuous virtues cannot be accused of weakness of character, and yet he confesses that on one occasion, at a meeting of probate judges, he was convinced that these colleagues were all wrong on a certain question, but let himself be carried along with them. What was he to stand out against so many? He realized that Governor Fuller intended that in the quasi-judicial proceedings of the Commission he was properly to act as

chairman, but when Lowell took the central position and assumed the conduct of proceedings he accepted the modest role of the third member of the trinity. Even at that he contributed the only element of truth to the report in a stinging condemnation of Judge Thayer's grave judicial indiscretions.

S. W. Stratton was a humble follower of the great Michelson at Chicago, occupying himself with the routine of departmental management. When the physicists of the country needed a man in Washington to represent their case for the establishment of the Bureau of Standards, Michelson recommended Stratton. His indignation was energetically expressed when, on the creation of the Bureau, Stratton turned up as its head. From there Stratton went to the Presidency of the Massachusetts Institute of Technology where he was drawn into Lowell's sphere of influence, and continued to be, as always, a "yes" man.

The third member of the trinity was the bearer of an honored New England name and carried the prestige of a great New England institution. But unlike his predecessors, James Russell Lowell and Charles William Eliot, this Lowell-the-less has a defect which was tragically evident in his conduct of the Sacco-Vanzetti investigation—a sense of his own importance and that of his class which makes him oblivious of other men as human beings. He was responsible for the proceedings and the report which doomed Sacco and Vanzetti to the electric chair. In its carelessness, inconsistency, ignorance, contempt for the defendants and all who appeared in their behalf, and complacency toward representatives of the institutions which were actually on trial, the report mirrors perfectly the attitude which Lowell and his colleagues took in the investigation on which the lives of two obscure victims depended. When in the course of proceedings Lowell berated as liars the men who testified to Sacco's alibi, later was forced to apologize to them, but went on acting on his original assumption, his conduct has about it an odor which one associates with Judas Iscariot.

There they sit for posterity to judge them, a trinity—Father, Son, and a pale, shrinking little Holy Ghost. Before them stands humanity to be judged. Why did Governor Fuller make this alignment of gods versus mortals, of ruling class against oppressed class? Nearly a century ago Disraeli wrote a paragraph in which he envisages this anomaly:

> [There are] two nations; between whom there is no intercourse and no sympathy; who are as ignorant of each other's habits, thoughts and feelings as if they were dwellers in different zones, or inhabitants of different planets; who are formed by a different breeding, are fed by a different food, are ordered by different manners, and *are not governed by the same laws. The Rich and the Poor.*

As in the case of the proceedings in Judge Thayer's court, it is impossible here to review in detail those before the Commission. They read like a chapter of accidents, and yet it is hard to avoid the conclusion that underneath them runs a steady, relentless purpose, to carry out the judgment already registered by the respectable opinion of Boston: "Whether guilty or not these men must die."

There is another side to the picture. As Sacco and Vanzetti brought to expression unmeasured depths of bigotry, cruelty, and intolerance, so they called forth beautiful devotion from their own class and from the privileged class. First must be mentioned Mrs. Glendower Evans who was more than a defender, a friend. There was Gardner Jackson who gave years of his life to this cause. There was William G. Thompson who staked his professional livelihood and career for the sake of justice. There was Mary Donovan, and the group of writers and artists who threw themselves into the fight, and in some cases went to jail in their faith, Edna Saint Vincent Millay, John Dos Passos, Powers Hapgood, Paxton Hibben, and many others. There was Felix Frankfurter, who in his trenchant writings, exposed point by point the errors of the prosecution and convicted Judge Thayer of reading into one of his decisions as matters of court record, things that are not there; and Upton Sinclair whose novel *Boston* will remain a story of the case for future generations. And finally there was the great mass of workers in Boston, the United States, and throughout the world, who gave of their subsistence and of their effort to defend the poor fish-peddler and the good shoemaker who, as Vanzetti predicted, have become symbols of the courage and sufferings of their class.

For the execution of Sacco and Vanzetti was a symbol of that class war in which Liberals are so reluctant to believe. As Sacco said before Judge Thayer when sentence was passed upon him at Dedham:

> I know the sentence will be between two classes, the oppressed class and the rich class, and there will always be collision between one and the other. We fraternize the people with the books, with the literature. You persecute the people, tyrannize them and kill them. We try the education of the people always. You try to put a path between us and some other nationality that hates each other. That is why I am here today on this bench, for having been of the oppressed class. Well, you are the oppressor.

The lesson for Liberals is clear. They have not been able in the case of Sacco and Vanzetti, in the case of Tom Mooney, in the case of thousands of men and women since, share-croppers, and fruit gatherers, steel and textile workers, miners and sailors, to secure the fair operation of institutions so-called of freedom and justice, or to correct their errors by an appeal to the decent public opinion of mankind. Thayer made mockery of the former; Lowell of the latter. Now that the war is on, Liberals will be compelled to choose between the arrayed classes. If they are honest in their profession they will take to heart the words of William Morris:

> How can we of the middle classes help? By renouncing our class, and on all occasions when antagonism rises up between the classes. casting in our lot with the victims. . . . **There is no other way.**

". . . It is true that all the best philosophers, the poets, and the biologists—when they have the idea to write a good masterpiece of work, they untiring seek the solitude; yes, but not here close behind these sad bars, into an cold unjust walk where is not life and not hope; where all the making energy and the study passion are exhaust. No, not here, indeed! But there between all the harmonies of the mother nature, under the radiant rays of sun where everything grows so vividly in the human mind and in the heart, love, life and all the vegetation beautifully. O life! . . ."

From letter of Nicola Sacco to Mrs. Cerise Jack, Nov. 28, 1926. [*The Letters of Sacco and Vanzetti.* The Viking Press, New York.]

Sacco-Vanzetti—Undying Symbols

ROGER N. BALDWIN

Ten years ago, on the day after the execution of Sacco and Vanzetti, I was traveling from Leningrad to Warsaw in a compartment filled with Russians. I had started the night before, still confident that the execution would not take place, and was eager for the news but at a loss how to get it. One Russian who spoke some German answered my inquiries by showing me the morning paper, translating the tragic news spread in streamer headline across the front page. Everybody in the compartment joined in with indignant comment. Sacco and Vanzetti were in Russia symbols of capitalist justice. Even the German-speaking Russian, who turned out later to be quite anti-Bolshevik, shared the indignation.

Just a week before at a great Moscow meeting in a summer garden to protest the approaching executions, there had been a strong note of hope that international protest would stay the hand of the executioner. In the months I had been spending in Europe I had kept up a steady correspondence with both Sacco and Vanzetti, and though I could not bring myself to believe they would be put to death in the face of the grave doubts as to their guilt, their letters never reflected any hope. So sure was my long-distance faith in justice that I carelessly loaned the last letters from them, written in early August, for exhibition on some Soviet wall-newspaper. I never recovered them.

Sacco and Vanzetti were more to me than two victims of the hate and fear of radicals. They were friends whom I had come to know intimately from many visits to them in prison dating way back to before their trials—friends whose motives and high social principles I had come to respect and admire. Up to the end they were curious about my observations, in Italy and Russia particularly, and their letters were far more devoted to comment on dictatorships than to their own fate. Anarchism as a philosophy of a society without violence or compulsion is even more consuming a faith than the disciplined creeds of Socialism and Communism, for it demands intense personal feeling unsupported by organized power. Sacco and Vanzetti lived their faith in every word and act, and it sustained them to the chair. Vanzetti, much more the thinker of the two, sent me from prison for some months his pencilled scripts of a translation from a work of Proudhon's, so poorly done in his inadequate English that it could not be used, but testifying eloquently to the kind of passion that consumed him even in the face of death.

What had struck me all along in the years I visited these idealists was the contrast between what they were in fact and what dominant Massachusetts opinion held them to be. No device of persuasion or interpretation could impress the unyielding conviction that they were dangerous men, anarchists, and Wops, who should be electrocuted on general principles. Shocking as such an attitude is to those who cherish a loyalty to impartial justice, it is tragically common wherever the emotions of class interest are aroused. It is the attitude of dominant California opinion to Mooney and Billings. It surrounds strikers arrested on criminal charges, however false or fabricated they may be. It was always the attitude to the I. W. W., and it is universally the attitude to Communists.

It is not enough to dismiss such a blind disregard for justice as an upper-class prejudice affecting only the occasional Mooneys, Saccos, and Vanzettis, for the history of the last decade or so is eloquent of the profound political consequences flowing from such a denial of democratic rights. Where democracy has disintegrated before the attack of Fascist reaction, it has shown its first signs of decay in denying justice to those most hated and feared by the controlling class in power. First deny rights and justice to Reds, and it is a short step to the destruction of rights and justice for all. Thus does the democratic state go down.

Massachusetts in dealing with Sacco and Vanzetti furnished a perfect example of the process. The final touches to the long record of judicial prejudice, abundantly proved against the trial judge, were given in the appointment by the Governor of three eminent citizens to review the evidence. The eminence of these citizens was directly due to their positions as representatives of the controlling class in Massachusetts. However dispassionately they approached their task, they were bound to carry so great a burden of unconscious prejudice against radicals and aliens as to weight their judgments of evidence. Could anyone reasonably expect a judge of the Puritan school, a president of the Institute of Technology, and a Brahmin president of Harvard University to throw overboard their traditions and caste fears in favor of justice? Even a casual understanding of the bitter conflict between the old Puritan caste in Boston and the alien newcomers would have fairly forecast their decision.

It may be unjust to assess blame when so many were involved in the tragedy, but I cannot escape the thought that the zeal of President A. Lawrence Lowell of Harvard as the most energetic member of the Governor's Commission made him the pivotal figure. If he had been able to rise above his prejudices, he could have carried the others along at least to the recommendation of a commutation, based on the doubt of guilt of one or both. And he is the perfect embodiment of that respectable opinion in Boston which stood behind the judicial machinery, right or wrong.

Now ten years after, Sacco and Vanzetti live as undying symbols of the sacrifices exacted from a working class daring to dream of a world freed of exploiters. Their number the world over is legion. Wars, international and civil, are fought and will be fought over the rise of movements toward labor's freedom, bloodily contested at every step by the defenders of property. But when that historic conflict is done, Sacco and Vanzetti will be remembered as among its early martyrs and heroes. One day even Boston, I venture to predict, will erect to them a public monument in that spirit of historic justice so dramatically exhibited by the French republic, which placed in front of a church the bronze figure of a youth "executed for having refused to salute a religious procession."

In the ceaseless struggle today for the preservation of democracy as the one non-violent means of progress, Sacco and Vanzetti remain now, as ten years ago, an inspiration to defenders of liberty to see that such a tragedy does not happen again.

Three Men—Thompson, Frankfurter, and Vanzetti

HERBERT B. EHRMANN

It seems to be a fact that mankind frequently saints those whom an earlier generation has persecuted. It appears to be equally true that those who won contemporary applause by hounding the saints are seldom remembered with any relish by posterity. Garrison and Phillips live on, but Abbott Lawrence, who inspired assaults upon the one and ostracism of the other, must be searched for in the footnotes of history. In these discouraging days, it is perhaps helpful to remember that the ultimate judgment of humanity is not with Pilate and Caiaphas and the others who preserved "order" at the expense of decency and justice.

And so it is with the Sacco-Vanzetti case. It is now barely ten years since the fatal culmination and yet it seems obvious that those prominently connected with the prosecution did not thereby enhance their reputations. This is especially true of the district attorney who won such a complete success; of the governor whose friends sought to capitalize politically his refusal to commute; of the college president whose report perfumed the malodorous atmosphere of the case. The stature of these men has grown steadily less as the historical focus has been gradually adjusted. On the other hand, the figures of three who protested appear to be growing larger in the perspective of the years. They are Thompson, Frankfurter, and Vanzetti.

William G. Thompson was not a lawyer who represented radical clients. His had been the lucrative practice of a most successful trial lawyer. He had been interested in winning cases, not causes. When asked to represent Sacco and Vanzetti after their conviction he named a sum as a retainer which he thought would take the case out of his office. He belonged to the Union Club and enjoyed his association with successful people. Shortly before his death he confided to me, as if revealing some secret sin, that in his early years he had been prejudiced against Jews. "I accepted the standards of my crowd," he explained. He also believed that the code of educated and successful people included decency in human relations, generosity toward associates, and *noblesse oblige* toward the unfortunate. He expressed his own feeling in this regard by being active in the Boston Legal Aid Society and the Bar Association.

Thompson's gallant fight for Sacco and Vanzetti, long after his retainer was exhausted, became for him a struggle to enforce the code in which he believed. He was shocked and hurt when friends began to avoid him because of his activity in the case. Unlike Frankfurter and Vanzetti, he was sensitive to the opinion of others, especially those of his own circle. In this respect, his moral courage was the greatest of the three. For a long time he felt that the group to which he belonged would ultimately do the fair thing by these alien radicals. Nothing irritated him so much as the dogged cheerfulness with which Sacco kept assuring him that his efforts were useless. He resented the contempt for his world which underlay Sacco's unswerving disbelief in the justice of the "capitalist." The gradual realization that his code was unrecognized gave Thompson a sense of being personally betrayed and finally produced an explosion in his soul which brought to the surface the energies and qualities of a militant leader. His thunders were heard inside and outside of the courtroom and continued with increasing volume long after the electrocution.

In his last years Thompson grew rapidly. His voice was heard in new places denouncing the cheapness of public and business life. He scorned the claims of the "oldest" families to any distinction except that of being first in the chase for the dollar and deplored the absence of any "aristocratic" ideals that might have restrained the "shopkeeper's mentality" from running amok. He found a kinship with men and women in all walks of life who shared his loathing of mediocrity. Had he been fifteen years younger he might actually have succeeded in imposing his own high standards on the public service in Massachusetts. He made a beginning, but the impact of the Sacco-Vanzetti case had come to him too late in life.

The Sacco-Vanzetti case brought no crisis to the life of Felix Frankfurter. He had taken no particular notice of the trial and gave the case no attention until several years after the verdict. What attracted him was the revelation that the testimony of the most impressive government expert had been pre-arranged so as to mislead the jury. He was never counsel for the men nor did he ever undertake to advise their lawyers. So far as I know, he never talked with either Sacco or Vanzetti. His interest was wholly that of a student of the administration of justice, sharpened by indignation and a natural quick sympathy for the unfortunate. His contribution to the actual conduct of the case was limited to a sustaining faith in Thompson and to a buoyancy of spirits which relieved many a dark hour for counsel of the defense.

Accustomed as Frankfurter was to adulation and curses from the mighty he was impervious to both. For years he had been a close friend of the intellectual leaders of two continents. He was no stranger to miscarriages of justice or to the fate of those who speak out when the mob is raging. At President Wilson's request he had investigated the Mooney case and reported in terms which now seem conservative in the light of the subsequently admitted perjuries. He had survived that earlier outburst from those who want order at the price of law and justice. When he decided to write about the Sacco-Vanzetti case he knew what was coming and did not care. To him the all-important thing was a proper administration of justice. He spoke, and the civilized world listened and believed.

The only thing which could disturb Frankfurter was the claim that he had been unfair or inaccurate. So great was his passion for exactness that not one of his critics has been able to show that he omitted a single important detail or made any misstatement whatsoever in his presentation of the evidence in the case. After the appearance of the Lowell report with its mass of errors and distortions, someone asked Frankfurter whether he would resign from the Harvard faculty in view of the fact that the president of the university—a grandson of Abbot Lawrence—had come to a diametrically opposite conclusion on the evidence.

"Resign?" it is reported that Frankfurter replied, "Why should I resign? Let Lowell resign!" Frank-

furter probably was, and is today, the freest leader in his generation.

The chief reason why Frankfurter failed where Zola succeeded must be sought in the character of those who wielded power in Massachusetts at the time. Where the French were extremely sensitive to outside criticism, the attack upon the authorities in Massachusetts merely caused them to foam at the mouth. As if to confirm Thompson's characterization of the "shopkeeper's mind," Frankfurter's courageous intervention was attributed to an enormous fee which he was supposed to have received. Meanwhile state policy degenerated to the plane of "showing the Reds who was running Massachusetts."

Vanzetti's entire mature life was dominated by a feeling of fellowship with humanity. With genuine eloquence he preached to the disinherited of the earth "talking at street corners to scorning men." It is a curious fact that more is known about the character of this fish-peddler than about the great trial lawyer who defended him, or the distinguished law professor whose book shocked the world. This is because Vanzetti has revealed himself in his published letters, in his messages from prison, in his speech at the time of his sentencing, and in his celebrated conversation with Mr. Thompson in the death cell a few hours before the execution.

Vanzetti differed from Sacco chiefly in having a richer mind and a more understanding spirit. The younger man was driven by a kindred passion, but his mind was so filled with formulas that it was closed to the reception of any other ideas. His cheerfulness, courage, and courtesy were remarkable for a person confined and hopeless, and there was a beautiful streak of poetry in him. Yet Sacco was of the stuff of martyrs and had the comfort with which such natures are blessed. He almost welcomed the chance to die for his beliefs.

Vanzetti, on the other hand, was far more imaginative and analytical. He lacked the cocksureness which marks the lesser intellect. He saw the complexities of society and the mixed motives of men. He continued to search for the truth until the hour of his death and when the guard appeared before his cell for the final summons, he put down a volume of *The Rise of American Civilization.*

Although Vanzetti had educated himself beyond the limits of many college graduates, he knew that his education was still incomplete. He wanted to live. Unlike Sacco, he recoiled before the picture of his death by electricity which his facile imagination easily pictured for him. Despite this fear, his concern was almost entirely for the happiness and welfare of others. He felt badly that Sacco should make trouble for Thompson although he understood his comrade perfectly. Money which was sent to him was promptly spent to buy little things fashioned by fellow prisoners. At our first meeting he insisted on giving me a prison-made pen and as we shook hands for the last time he said he wanted me to have some of his books. During a visit from a prominent journalist shortly before the execution he insisted upon discussing the injustice of the Mooney case and never once mentioned his own plight. Considering his sensitive nature and the horrible years he had lived through, his lack of bitterness was astounding. His last words were:

> "I am an innocent man. I wish to forgive some people for what they are now doing to me."

His notes indicate that he had intended to close his remarks to Judge Thayer at the time of the sentencing with the following:

> "Sacco's name will live in the hearts of the people and in their gratitude when Katzman's and yours bones will be dispersed by time, when your name, his name, your laws, institutions, and your false god are but a *deem rememoring of a cursed past in which man was wolf to the man . . . .*"

A chance cast of the police net in Massachusetts had caught the nearest approach to Christ in our times.

Letter from Bartolomeo Vanzetti*

Charlestown Prison
April 14, 1923,

Dear Comrade Blackwell:

. . . The really and great damage that the fascism has done, or has revealed, is the moral lowness in which we have fallen after the war and the revolutionary over-excitation of the last few years.

It is incredible the insult made to the liberty, to the life, to the dignity of the human beings, by other human beings. And it is humiliating, for he who feels the common humanity that ties together all the men, good and bad, to think that all the committed infamies have not produced in the crowd an adequate sense of rebellion, of horrors, of disgust. It is humiliating to human beings, the possibility of such ferocity, of such cowardness. It is humiliating that men, who have reached the power only because, deprived of any moral or intellectual scrupols, they has known how to pluck the good moment to blackmail the *"borgesia,"* may find the approbation, no matter if by a momentary abberration, of a number of persons sufficient to impose upon all countries their tyranny.

Therefore, the rescue expected and invocated by us must be before all a moral rescue; the re-valuation of the human liberty and dignity. It must be the condamnation of the Fascismo not only as a political and economic fact, but also and over all, as a criminal phenomenum, as the exploitation of a purulent growth which had been going, forming and ripening itself in the sick body of the social organism. . . .

This is the great danger, the danger of the tomorrow; the danger, I mean, that, after the Fascismo, declined from internal dissolution or by external attack, may have to follow a period of insensate violences, of sterile vendettes, which would exhaust in little episodes of blood that energy which should be employed for a radical transformation of the social arrangements such to render impossible the repetition of the present horrors.

The Fascisti's methods may be good for who inspires to *become a tyrant.* They are certainly bad for he who will make "opera" of a liberator, for he who will collaborate to rise all humanity to a dignity of free and conscient men. . . .

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*This letter written by Vanzetti to Alice Stone Blackwell, of Boston, is published in *Letters of Sacco and Vanzetti.* The Viking Press, New York.

Consideration of Civil Liberties

CURTIS W. REESE

When a term becomes a shibboleth it is in great danger of having its meaning forgotten. It is so with the word *liberty*. Without much understanding of what liberty means and what it would actually do if put in operation, many people glibly use the term liberty as a password into realms whose real purpose they do not comprehend. For politicians it is subject matter for perorations, and for demagogues it is a cloak for their quest of power.

Still *liberty* is a great word with great meaning.

James Bryce in his *Modern Democracies* describes four kinds of liberties—civil, religious, political, and individual. Three of these he describes in terms of exemptions. That is, civil liberty in the old sense is "exemption from control of the citizen in respect of his person and property"; religious liberty is "exemption from control in the expression of religious opinions and practices of worship"; individual liberty is "exemption from control in matters not plainly affecting the public welfare." Only one, that is political liberty, does he describe in positive terms—"participation of the citizen in the government of the community." It is easy to see that liberty, even from such limited and old-fashioned interpretation, has never really been seriously and widely exercised.

Exemption from control of property is of little value in a system where the total social order operates to deprive persons of any property to control. From different points of view and for different purposes, both capitalistic and communistic systems of society have little in the way of personal property to be exempt from control. And in either type of society freedom of person simply does not count when the person is found in active opposition to the established order.

Liberty in religion has been widely permitted in the modern world, chiefly, I think, because religion has dealt mainly with other-worldly matters. Whenever the state has felt that religion conflicted with the state's interests or "meddled" in worldly affairs, there has been little hesitancy in curbing it.

Individual liberty has been so restricted beyond the reasonable limits, that it is largely a myth.

Political liberty, i. e., participation in government, has been so limited by citizenship, by race, by sex, by age, and most of all by lack of understanding, that it has been largely non-existent.

All of which is to say that liberty in these various respects has been far more of an ideal than a reality. It may be that liberty as described by Bryce, and as generally viewed, cannot in the nature of things ever exist. It may be that they are right who say that the only liberty worth while is the security that would be possible in a coöperative society. But that is another story.

In the mind of the average American citizen who goes about his everyday business it is assumed that the American legal system provides for freedom of religion; freedom of speech, press, and assembly; freedom from arbitrary arrests and general warrants; from excessive bail and fines, etc.; and that court rules and general executive practice sustain these rights.

This assumption on the part of the average citizen is far from being justified in fact, for neither the basic documents nor the practice are clear and consistent.

It is enlightening to recall that the American Constitution as originally adopted, despite the fact that it was at a time when liberty was shouted from the housetops, contained no bill of civil rights, and that the first ten amendments were adopted largely to placate opposition, and that within ten years after the Bill of Rights was added it was dealt a severe blow by the Alien and Sedition Law. Moreover, the object of the Bill of Rights was primarily to restrict the Congress. To have done a complete job, the Bill of Rights should have restricted both the Congress and the states more than it did. When to the loose phrasing of the Constitution you add innumerable court rulings, you have a maze which not even the judges of the Supreme Court can tread with certainty.

Then, executive practice has been to ignore so-called red tape, to act in behalf of public policy, to stretch terms that are already severely strained, and in a thousand ways to arrogate to themselves the power to set aside civil rights. So general has this become that a grave danger confronts us.

Executive interference has become so widespread that the American Civil Liberties Union recently stated that "nine-tenths of all the attacks on freedom of speech and assembly are made by the local police." This police activity is largely extra-legal; but it is only fair to say that the law itself is so indefinite and policemen so poorly trained that the police do not know where their authority begins and ends. Such terms as "disorderly conduct," "disturbing the peace," inciting to riot," "interfering with traffic," are so general and indefinite that they may be made to cover almost any unusual behavior. In most American cities we have subjected our priceless liberties to the censorship of policemen. So general has this become that few citizens get excited when raids are made without warrants, and scores of people held in jail without charges being filed against them; or when persons in the custody of the police are beaten like brutes.

Obviously we need to clarify our own minds on the principles involved. The first principle is that liberty is a primary good in itself; and the second is that liberty is a pre-requisite to the full realization of other goods. We are frequently told that liberty is not an end but a means. This is only a half truth. Liberty is an end as well as a means to other ends. The sense of liberty to think, to speak, to write, to act is a self-validating good apart from what is thought, spoken, written, or done. And no one is ever at his best when coerced. This is true of individuals and it is true of society. It is the duty of governments to provide for and guarantee the widest possible personal liberty that is consistent with the exercise of such liberty by all.

We need to create public opinion favorable to the maintenance of civil liberties. This can be done in many ways, but chief among them is to insist on our right to exercise them at all hazards. Wherever civil liberties are forbidden, there we should be found exercising them. In view of the fact that it is impossible for us to be personally in more than one place at a time, we should support to our utmost limit the American Civil Liberties Union, and other groups that are engaged in preserving civil liberties. It is a disgrace to America that it is necessary for such organizations

to exist; and it is a shame that such organizations are so poorly supported.

We must insist that officials live up to such guaranties as we now have in the Federal and State Constitutions. There are many active groups, such as the American Legion, the D. A. R., the Ku Klux Klan, and in some instances Chambers of Commerce and Labor Unions, that besiege the officials to suppress freedom of speech, press, and assembly. There are countless persons trying to short-circuit judicial procedure for personal ends. We who believe in civil liberties must be more active than these tyrannous forces. We must test, to the highest courts, enactments that infringe on our liberties; we must build opinion that will write into law larger liberties; we must make it clear that we will not stand for "brass-button censorship," and that our liberties shall not be sacrificed by illiterate officials and bigoted organizations.

The Study Table

The Dreamers Awake —and Arouse!

The dreamers have awoken. They have risen—and there is no staying their onward rush. From memories of what never was they have converted their dreams into prophecies of what yet shall be, from private retreats into public grounds for the world-wide commonwealth.

The Western Poets' Congress goes on record as opposing any international war. A poetry journal, *Horizons,* fights militarism as well as war. The current poetry racks hold many volumes of social vision verse. General collections of poetry hold many poems of social protest or prophecy—chiefly protest. Those of us who were looked on askance when through such collections as the "Unrest" series we sounded lyric challenges to the *status quo* find ourselves bewildered and breathless if not lost in the milling hosts of new recruits. Our followers chronologically—but often they sweep far beyond us.

Gone is the time when, without making themselves ridiculous, conservatives could dismiss all poetic protests against present evils and pleas for progress as "mere propaganda," adding ". . . and propaganda cannot be art." They did not realize that art can be propaganda. Both quality and quantity overpower those who would limit poetry to pretty pictures, petty piety, and sentiments of a sugar-content disastrous to health. Equally fortunately, the ugliness-obsessed and oddity-possessed are more cacaphonous but less conspicuous. The futilitarians and cynics, perverse if not perverted, whom Prof. E. Merrill Root cleverly calls "the little Boy Blues," toot their horns more shrilly than ever but less summoningly in face of the onrush of militant idealism.

Recognizing and rejoicing in this mass rebirth of poets as way-showers, we can here but name a few books that catch our eye in the throng. If you object to our speaking of anything poetic as a mass movement, note that in *Contemporary American Women Poets,* 311 women are represented and in *Contemporary American Men Poets* approximately 500 men. The facts that so many women are now expressing their reactions to life, usually frankly and frequently with social awareness, and that there are more good women poets than men poets have their own social significance.

The Poet Laureate of the General Federation of Women's Clubs is now Angela Morgan, great prophetess and pacifist and protagonist of the oppressed, as well as poet. In a letter to us immediately after her appointment last fall she pledged herself to the continued promotion of social poetry. Magnificent promotion is given in her *Gold on Your Pillow.* "God is victorious. So must His offspring be," she declares in this book of her poems and essays on poetry. "Not creeds, but quickening" is what she realizes the world needs today in this age "unrelenting in its challenge to the sons of earth to discard the chrysalis and use their wings." No books are more quickening than hers. What she says of life, we can say of her, "She is our flame-hearted champion and thrills us with such energy as we have not known before." She calls poetry "an extension of our senses into 'the life everlasting' here and now." Hers is!

Another champion of every human soul and rebel against all that stifles it is Florence Converse. For half a century she has helped awakened labor bear its cross of contumely up its Calvary, the height from which the Promised Land can best be seen. All poets are ambassadors to you and me from the Promised Land . . . and our guides to it. But though Florence Converse in her *Collected Poems* looks forward, she listens backward. You feel that for her the Cities of God on Earth will have to have flying buttresses. Novelist, dramatist, she is always a bit of a historian and very much of a preacher. . . frequently to the hobbling of her poetry. Poetry should preach—but not so that you realize it!

Louise Burton Laidlaw does not walk forward leaning backward. In *Traveler of Earth,* her second book, she shows herself splendidly trained "to mount bare-back on a foal of thought" and yet not

> "lose the Attic wisdom to control
> The white and ebon coursers of the soul."

Her handling of the sonnet is especially firm and felicitous but in many forms she shows her sensitivity to beauty and sympathy with all whose lives it should fill but who "with starving body and with starving mind" are "eating their hearts out in oblivion." Her book should help "to find a unity to consecrate mankind."

Though one might suggest a different list than this which starts with Cornelia Gracchus, then skips to Joan of Arc, includes no poet except Julia Ward Howe, yet embraces Nell Gwyn, Betsy Ross, bloody Catharine of Russia and Empress of China Tzu Hsi, and though the studies claim no high poetic merit, *Fifty Famous Women* by Clyde Robertson interests. She includes Lucretia Mott, Lucy Stone, Elizabeth Cady Stanton, Frances E. Willard (but not Carrie Nation), Susan B. Anthony and Jane Addams among these "immortals." Had she chosen any living women, whom would you suggest? Does not the press of names to mind prove the changed status of woman?

Upholding "the flag of peace and mercy down our way" and showing "that none of us thrives if he stands apart," Irene K. Surenson in her first book, *Singing Summer,* weds melody and meaning in a lovely sym-

phony which fulfills her prayer, "Father, we pray that our poems give light."

"There is but one Star lighting the whole earth. There is but one Word upon the lips of the world." This is the keynote of Alice Fay's *The Soul's Quest.* In the Occident, China, Persia, Palestine, Arabia, India, she finds the same spiritual search and religious realization of the unity of all men and of man and God. No book could more definitely support the declaration that flies from UNITY's mast, "The world is my country, to do good is my Religion" than this tapestry interwoven with the brightest threads in the world's thought about reality—Krishna and Buddha rejecting ritual, Mohammed and Zoroaster placing justice and work above prayer, such are its figures. Alice Fay asks, "Could we crowd God into a building?—or enclose Him in a class or nation or creed or anything man makes?"

Carnival, blizzard, war-robbed love, farmers whose souls "routine confines in steel-like yolk," fields "baked in the sizzling oven of drought" are pictured with striking graphic strength by Elinor G. Chapler in *Growing Heritage.* The terrible poverty of the Mexican populace as well as the wealth of beauty in Mexico and California are flashed with sympathy and scintillance in the splendidly color-splashed lines of Kate Kirkham's *Sun and Shadow.* Grace Dupree Ridings presents Texas with a wealth of imagery and gift of description in *By the Light of the Lone Star.* The poets are waking us to a new consciousness of our land and our neighbors in all lands.

The woman poet as reporter is especially valuable socially in Anna Louise Strong's new *Rugged Verse,* semi-free verse contributions in 1918 and 1919 (and tragically every bit as timely this minute!) to *The Seattle Union Record,* truly poetic in the intensity of their sympathy. Inspired imagination and brilliant wit are harnessed in these simple, chatty editorialettes for the driving home of social realizations. The same qualities that make this true daughter of her father, UNITY's and the world's great Sydney Strong, the effective editor, speaker and journalist she is, here shod her visions with fire.

Men poets, though outnumbered by women, have not had their lips stricken dumb by the storm. They have risen to new powers. More than one volume newly come from the press will eclipse in the eyes of the future what is now lauded in the schools. One of the greatest of the new masterpieces is an epic that we would like to see take its noble place immediately beside the *Iliad* and *Odyssey, Divina Comedia* and *Paradise Lost and Regained* in every school as greater than any of these in scope, truth and significance to all present-day readers if not in poetic power. A large claim? Then read *The Pageant of Man* by Stanton A. Coblentz and judge for yourself. You may have read portions as they have appeared in these pages, but the magnificent sweep of the panorama from before life was on this planet to the far reaches of the future, the glorious height of thought from which this genius sees the pageants of today, yesterday and tomorrow, unfold and the gorgeous poetry in which his spirit flames must be embraced in their entirety to be appreciated in all their grandeur.

Not of comparable greatness, if any, but of keen interest is Stephen Vincent Benet's *Burning City,* largely free verse, whereas never in Coblentz's 319 pages does he reject the wings: rhyme and meter. Often sputtering, often with bitter smoke, Benet's book burns. In the flames we see nightmares of the downfall of man, we hear fierce crackling denunciations of dictatorships. Odes to the Austrian Socialists, Vachel Lindsay, and Walt Whitman flare the influences at work on modern poets.

Speaking of Whitman, he would have rejoiced in Sheldon Christian's brochure, *The Unbeautiful Spear,* Whitmanesque in its long ocean-breaker free verse lines and use of the first person singular without conceit but lacking the word music and magic and the profound epigram that redeem long and otherwise arid passages of Whitman from boring the reader and make him "still the giant lode we quarry." Christian's plea "that men have done with War" except "of persuasion" in the cause of "the great Messiahs of Mankind" is most enthusiastically appreciated if not as poetry at all but as searchingly thoughtful, splendidly sympathetic utterance. (Poetry answers, not asks, questions.) Ever since several years ago when we chose a poem by Christian as the strongest in a nationwide intercollegiate contest, we have been confident of his future as a valuable poet; it is good to find Dr. John Haynes Holmes confirming this faith in his characteristically pithy foreword to this booklet.

Another excellent brochure of special interest to pacifists is Loring Eugene Williams' *Twenty Years Ago,* subtitled all too aptly, "A Reminder as the World Rushes on Toward Another Cataclysm." The editor of the delightful *American Weave* verse journal and *America Singing* anthologies here presents poems he wrote during the world war, strong, frank, honest poems that should help the misled "forget the trite delusion: WAR AND GLORY."

The new book-shelves are still full of books we should mention here, but there is room for but one more book and we do not hesitate to reach for Gordon LeClaire's *Star-Haunted* as in this book of spiritual and social poems Canada's most brilliant and important young poet gives us memorable lines and unforgettable pictures. He urges youth not to breed "farrow for the breadlines or fodder for the war." He sees the war veteran "with scarlet cobwebs in his twisted brain," down-and-outs who "envy cattle so cosily stabled," then turns to "love's high altar" and finally finds "all roads of mind converge at length in God." With him who sees "The cross of Christ and Adam's Edentree stood in the selfsame spot" and that the Great "Elan Vital" shall "claim each soul from out Golgatha's void," let us go forward and "to fugue of Faith transpose the mourners' dirge!"

RALPH CHEYNEY

1—*Contemporary American Women Poets.* Edited by Tooni Gordi. 320 pp. New York: Henry Harrison. 2—*Contemporary American Men Poets.* Edited by Thomas Del Vecchio. New York: Henry Harrison. 3—*Gold on Your Pillow.* By Angela Morgan. 143 pp. Philadelphia: The Eddington Press. 4—*Collected Poems.* By Florence Converse. 224 pp. New York: E. P. Dutton & Co., Inc. 5—*Traveler of Earth.* By Louise Burton Laidlaw. 93 pp. New York: Dodd, Mead & Co. 6—*Fifty Famous Women.* By Clyde Robertson. 109 pp. Emory University, Georgia: Banner Press. 7—*Singing Summer.* By Irene K. Surenson. 54 pp. Atlanta: Banner Press. 8—*The Soul's Quest.* By Alice Fay (Countess di Castagnola). 95 pp. New York: G. P. Putnam & Sons. 9—*Growing Heritage.* By Elinor G. Chapler. 50 pp. Atlanta: Banner Press.

10—*Sun and Shadow*. By Kate Kirkham. Atlanta: Banner Press. 11—*By the Light of the Lone Star*. By Grace Dupree Ridings. 140 pp. Dallas: Kaleidograph Press. 12—*Rugged Verse*. By "Anise" (Anna Louise Strong). 63 pp. Seattle: Pigott-Washington Printing Co. 13—*The Pageant of Man*. By Stanton A. Coblentz. 319 pp. New York: Wings Press. 14—*Burning City*. By Stephen Vincent Benet. 80 pp. New York: Farrar & Rinehart. 15—*The Unbeautiful Spear*. By Sheldon Christian. 24 pp. Brunswick, Maine: Carra-Christian. 16—*Twenty Years Ago*. By Loring Eugene Williams. 27 pp. Cleveland: Press of America Singing. 17—*Star-Haunted*. By Gordon LeClaire. 95 pp. New York: Henry Harrison.

Correspondence

Save Tom Mooney's Life

Editor of UNITY:

We have just received from the Mooney Molders Defense committee the following wire:

Tom's condition critical stop Gall bladder with possible gall stones stop His physical condition too weak to operate or be moved to another hospital stop Has ice pack stop Seemed emotionally disturbed when I saw him today stop Prison officials solicitous stop They know Tom's life is on their hands stop We suggest immediately get under way nation-wide campaign to California Supreme Court asking them to render decision Mooney habeas corpus writ in view Tom's serious physical condition.

Immediate action is necessary from every locality. We are enclosing form of resolution and copies of telegrams which we have sent out today.

INTERNATIONAL LABOR DEFENSE
Chicago

Form of Resolution

WHEREAS Tom Mooney and Warren K. Billings, known by the world to be innocent, have been imprisoned in California's dungeons on framed charges because of their devotion to the cause of labor for more than twenty years; and

WHEREAS after more than twenty years of litigation, an application for writ of habeas corpus to free Tom Mooney is now before the Supreme Court of the State of California; and

WHEREAS Tom Mooney is now in a critical condition in the hospital at San Quentin prison, and the hospital physicians state they hesitate to perform a necessary operation for fear of his life; now therefore

BE IT RESOLVED, that and immediate, in the name of those assembled, send a telegram to Governor Merriam of California, calling upon him to free Mooney and Billings; a telegram to the Supreme Court of the State of California, demanding an immediate favorable decision upon his application for a writ of habeas corpus, a telegram of greetings and solidarity and a copy of this resolution to Tom Mooney and to Warren K. Billings.

Day Letters

Governor Merriam,
Sacramento, California.

Critical condition of Tom Mooney brings again sharply before the people of the United States the iniquitous refusal of the State of California to free Tom Mooney and Billings and the determination not to permit them to leave prison alive stop We call upon you to take immediate steps to free Mooney and Billings.

Vito Marcantonio,
President.

Anna Damon,
Secretary.

INTERNATIONAL LABOR DEFENSE

State Supreme Court,
Sacramento, California.

Critical condition of Tom Mooney brings sharply before people of the United States the iniquitous refusal for twenty years of courts and administration of California to free Mooney and Billings who are known by the world to be innocent stop We call upon you to render immediate favorable decision on habeas corpus writ pending before you in Mooney case.

Vito Marcantonio,
President.

Anna Damon,
Secretary.

INTERNATIONAL LABOR DEFENSE

The Field

(*Continued from Page* 214)

Butash Conviction Reversed in Indiana Sedition Case

In the first state supreme court decision in recent years to reverse a sedition conviction, the Indiana Supreme Court ordered a new trial for Paul Butash, magazine subscription solicitor sentenced to one to five years for "advocating overthrow of the government by force or violence." The case is the first and only prosecution under the Indiana sedition law of 1919.

The meeting at which Butash made his alleged seditious remarks on May 19, 1936, the A. C. L. U. pointed out in a recent pamphlet on the case, was arranged by American Legion members in an attempt "to bait a man discovered to be a radical." Following his conviction, Butash was released on a $5,000 bond guaranteed by the Civil Liberties Union. The International Labor Defense was in charge of the case, assisted by the A. C. L. U.

In throwing out the conviction, the Indiana Supreme Court termed "the whole incident so trivial as to be beneath the notice of the law." The court declined to pass upon the constitutionality of the statute, basing its decision on the fact that insufficient evidence was produced that any provisions of the law had been violated. "The evidence," declared the court, "was only an expression of his [Butash's] own opinion upon the economic or political questions of the times. Nowhere did he plead for the adoption of his theory or defend them by argument, nor did he incite anyone within the meaning of the statute."

It is expected the prosecution will be dropped.

American Civil Liberties Union.

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declares ANGELA MORGAN about
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